

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD SHAWN GUNNING,)	
)	
Plaintiff,)	Civil Action No. 08-819
)	
v.)	Chief Judge Ambrose
)	Magistrate Judge Bissoon
UNISYS CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

On October 8, 2008, this case was referred to United States Magistrate Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On January 13, 2009, the magistrate judge issued a Report (Doc. 46) recommending that the Motion to Dismiss filed by Defendants Aetna Life Insurance Company and Highmark Life Insurance Company (Doc. 36) be denied, without prejudice.

Service of the Report and Recommendation was made on the parties, and no objections have been filed. After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, on this 2nd day of February, 2009, IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendants Aetna Life Insurance Company and Highmark Life Insurance Company (**Doc. 36**) is **DENIED**, without prejudice to these Defendants restating their arguments at a later stage in this litigation, if appropriate.

The Report and Recommendation of Magistrate Judge Bissoon dated January 13, 2009 is hereby adopted as the Opinion of the District Court.

Donetta W. Ambrose

Donetta W. Ambrose
Chief United States District Judge

cc (via email):

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